

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Eric Lamonte Harrell

Docket No. 5:99-CR-83-1F

Petition for Action on Supervised Release

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Eric Lamonte Harrell, who, upon an earlier plea of guilty to 21 U.S.C. §841(a)(1), Distribution of Cocaine Base (Crack), and 18 U.S.C. §924(c)(1)(A)(iii), Discharging a Firearm During and in Relation to a Drug Trafficking Offense and Aiding and Abetting, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on February 22, 2000, to the custody of the Bureau of Prisons for a term of 207 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Additionally, the defendant was ordered to pay a fine in the amount \$10,500.00, a special assessment in the amount of \$200.00, and restitution in the amount of \$2937.70. On March 19, 2001, pursuant to a Rule 35 motion by the government, Count 1 of the defendant's imprisonment sentence was reduced from 87 to 36 months imprisonment. On April 25, 2008, the defendant's sentence in regards to Count 1 was reduced from 36 months to 30 months pursuant to 18 U.S.C. §3582(c)(2). Eric Lamonte Harrell was released from custody on March 19, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for marijuana on August 18, 2010. When confronted, the defendant admitted to the validity of the test. On October 14, 2010, the defendant signed an admission form admitting to the use of marijuana on October 10, 2010. Additionally, the defendant is currently \$310.00 in arrears towards his financial obligation to the court. The defendant has had difficulty obtaining employment but recently secured full time employment and is now capable of making monthly payments. It is recommended that the defendant serve two days incarceration for his drug use and that the DROPS condition be added. The defendant has been re-enrolled in our surprise urinalysis program as well as individual substance abuse counseling. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two days, commencing as soon as can be arranged, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 19, 2010

ORDER OF COURT

Considered and ordered this 20th day of October, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge